

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

THE NAVAJO NATION, et al.,

Plaintiffs,

vs.

Civ. No. 12-195 BB/LAM

URBAN OUTFITTERS, INC., et al.,

Defendants.

**Order Granting Consideration of Evidence on  
Free People's Partial Summary Judgment Motion Based on Laches [Doc. 214]**

Defendants filed a Motion for Partial Summary Judgment Barring Plaintiffs' Request for Monetary Recovery Under the Equitable Doctrine of Laches [Doc. 214] ("Motion"). The Court denied the Motion as to Defendants Urban Outfitters, Urban Outfitters Wholesale Inc., and Anthropologie, Inc. [Doc. 668].

At the February 3, 2016 hearing on the Motion, Plaintiffs argued that Defendant Free People of PA LLC ("Free People") had not made its Fed. R. Civ. P. 30(b) representative available for deposition prior to the termination of discovery. The Court permitted the deposition because Plaintiffs claimed prejudice from Defendants' reliance on evidence that Plaintiffs asserted should have been produced during discovery. The Court, therefore, directed this deposition be permitted. The Court also held the Motion in abeyance as to Free People so Plaintiffs could complete that deposition. The Plaintiffs, however, have declined to take the Rule 30(b) deposition.

The Court, therefore, finds Plaintiffs have waived their prejudice argument and will consider all evidence offered by Free People in ruling on its partial summary judgment

motion based on laches.

IT IS SO ORDERD.

  
SENIOR DISTRICT COURT JUDGE